

11-11-72  
BILL NO. G-72-05-28

GENERAL ORDINANCE NO. G-Withdrawn

AN ORDINANCE providing for the levy of a use and service charge upon passengers enplaning at Baer Field.

WHEREAS, the Common Council of the City of Fort Wayne has determined that there exists a need for additional revenue with which to defray the continued and future costs of construction, improvement, equipment and maintenance of Baer Field Airport so as to provide for the reasonable safety, convenience and comfort of enplaning passengers using the facilities of Baer Field Airport; and

WHEREAS, the Common Council of the City of Fort Wayne has determined that the use of Baer Field Airport and its various facilities is enjoyed in substantial degree by persons and taxpayers who reside outside the jurisdiction of the City of Fort Wayne who do not directly contribute toward the support, construction, improvement, equipment, maintenance and control of said Airport and its facilities; and

WHEREAS, The Common Council of the City of Fort Wayne, after due and deliberate consideration, has determined that the responsibility for the support, construction, improvement, equipment and maintenance of said Airport and its facilities, lies and should be shared more equally by all those persons who enjoy and use its facilities and services;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Commencing on July 1, 1972, there is hereby fixed, created and established a use and service charge of One Dollar (\$1.00) for each passenger enplaning any commercial aircraft operated from the Baer Field Airport.

SECTION 2. Each commercial airline now or hereafter operating commercial aircraft to and from the Baer Field Airport together with its various agents and travel agencies, servants, employees and representatives is hereby charged with the duty to collect said use and service charge.

SECTION 3. Said commercial airlines are hereby further directed to remit to the Controller of the City of Fort Wayne all the use and service charges so collected:

- (a) for the period commencing July 1 and terminating December 31 of each year, on or before January 31 next following said six month period;

- (b) for the period commencing January 31 and terminating June 30 of each year, on or before July 31 next following said six month period.


Said remittances shall be based upon the number of enplaning passengers at Baer Field Airport as described in Section 2 of this Ordinance, times the use and service charge of One Dollar (\$1.00) less six percent (6%) of all amounts so collected, which percentage is herely allocated and allowed to said airlines for the purpose of defraying the administrative costs of collecting and remitting said use and service charge.

SECTION 4. The term "each passenger enplaning any commercial aircraft operated from the Baer Field Airport" shall not include, nor shall the use and service charge hereby created, apply to 1) any active-duty members of the United States Armed Forces; 2) any passenger having, (a) a locality other than Baer Field Airport as an initial point of departure and, (b) a scheduled layover at Baer Field Airport of fewer than four hours.

SECTION 5. All revenue collected from said use and service charges shall be held by the Controller of the City of Fort Wayne in the aviation fund for the purpose of defraying the present and future costs incurred in the construction, improvement, equipment, and maintenance of said Airport and its facilities for the use and future enjoyment by all users thereof.

SECTION 6. If any provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 7. This Ordinance shall be in full force and effect upon its passage, approval by the Mayor, and legal publication thereof.

  
Councilman

APPROVED AS TO FORM  
AND LEGALITY,

  
CITY ATTORNEY

Read the first time in full and on motion by Hunga seconded by V. Schmidt and duly adopted, read the second time by title and referred to the Committee on Finance (and to the ~~City Plan Commission for recommendation~~) (and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on June the 13th day of June 1972, at 7:30 o'clock P.M., E.S.T.

Date: 5-23-72

Charles W. Westerman  
CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and duly adopted, placed on its passage.  
Passed (LOST) by the following vote:

AYES _____	NAYS _____	ABSTAINED _____	ABSENT _____	to-wit:
Burns _____	_____	_____	_____	
Hinga _____	_____	_____	_____	
Kraus _____	_____	_____	_____	
Nuckols _____	_____	_____	_____	
Moses _____	_____	_____	_____	
Schmidt, D. _____	_____	_____	_____	
Schmidt, V. _____	_____	_____	_____	
Stier _____	_____	_____	_____	
Talarico _____	_____	_____	_____	

Date \_\_\_\_\_

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

ATTEST:

(SEAL)

Charles W. Westerman  
CITY CLERK

Charles W. Westerman  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 1972 at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ m., E.S.T.

MAYOR

Bill No. G-72-05-28

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance

providing for the levy of a use and service charge

upon passengers enplaning at Baer Field

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance Withdrawn PASS.

William T. Hinga - Chairman

John Nuckols - Vice-Chairman

James S. Stier

Samuel J. Talarico

Paul M. Burns

William T. Hinga

John Nuckols

James S. Stier

Samuel J. Talarico

Paul M. Burns

DATE 1-23-73 CONCURRED IN  
CHARLES W. WESTERMAN, CITY CLERK

~~HOLD~~  
To cong.

Bill No. G-72-05-28

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance

providing for the levy of a use and service charge

upon passengers enplaning at Baer Field.

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance                      PASS.

William T. Hinga = Chairman

Winfield Moses, Jr. - Vice-Chairman

James S. Stier

Samuel J. Talarico

Paul "Mike" Burns

Bill  
WITHDRAWAL OF General ORDINANCE NO. G-72-05-28

On motion by Councilman Hinga, BILL NO. G-72-05-28  
seconded by \_\_\_\_\_,

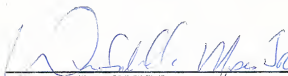
that this Ordinance No. xxxxxxx, is hereby withdrawn for no further  
action by the Common Council of the City of Fort Wayne, Indiana, on Bill No.  
G-72-05-28.

WITHDRAWN by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>to-wit</u>
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>HINGA</u>	_____	_____	_____	_____	_____
<u>KRAUS</u>	_____	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	_____	_____	_____	_____
<u>MOSES</u>	_____	_____	_____	_____	_____
<u>D. SCHMIDT</u>	_____	_____	_____	_____	_____
<u>V. SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: \_\_\_\_\_ CITY CLERK \_\_\_\_\_

ATTEST: (SEAL)

  
\_\_\_\_\_  
PRESIDING OFFICER CITY CLERK \_\_\_\_\_

STATE OF INDIANA       )  
                              )  
COUNTY OF ALLEN       ) SS:  
                              )  
CITY OF FORT WAYNE     )

C E R T I F I C A T E

I the undersigned Clerk of the City of Fort Wayne, Indiana, hereby certify that I am the Clerk of the Common Council of the city of Fort Wayne, Indiana; and that the foregoing copies of excerpts from the minutes of the regular meeting of the Common Council of the City of Fort Wayne, Indiana, held June 13, 1972 , are true and correct excerpts and parts of the minutes of said regular meeting.

WITNESS MY HAND AND THE SEAL OF THE CITY OF Fort Wayne, Indiana, this 13th day of June, 1972.

---

Clerk of the Common Council of the  
City of Fort Wayne, Indiana

SEAL

# EMERGENCY APPROPRIATION ORDINANCE

WHEREAS, certain extraordinary emergencies have developed since the adoption of the existing annual budget, so that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore, to meet such extraordinary emergencies:

SEC. 1. Be it ordained by the Common Council of the City of Fort Wayne, Allen County, Indiana, that for the expenses of said municipal corporation the following additional sums of money are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same:

	AMOUNT REQUESTED	AMOUNT APPROPRIATED
Bill No. G-72-05-28	\$	\$
General Ordinance No. G-		

Providing for the levy of a use and service charge upon passengers enplaning at Baer Field.

SEC. 2 WHEREAS, it has been shown that certain existing appropriations now have unobligated balances which will not be needed for the purposes for which appropriated, it is further ordained that the following existing appropriations be reduced in the following amounts:

	AMOUNT REQUESTED	AMOUNT REDUCED
	\$	\$

Adopted this 13th day of June, 19 72.

AYES

NAYS

Paul "Mike" Burns
William T. Hinga
Eugene Kraus, Jr.
Winfield C. Moses, Jr.
John Nuckols
Donald J. Schmidt
Vivian G. Schmidt
James S. Stier
Samuel J. Talarico

ATTEST:

City Clerk




STATE OF INDIANA     )  
                              )  
COUNTY OF ALLEN     ) SS:  
                              )  
CITY OF FORT WAYNE   )

C E R T I F I C A T E

I the undersigned Clerk of the City of Fort Wayne, Indiana, hereby certify that I am the Clerk of the Common Council of the city of Fort Wayne, Indiana; and that the foregoing copies of excerpts from the minutes of the regular meeting of the Common Council of the City of Fort Wayne, Indiana, held May 23, 1972 , are true and correct excerpts and parts of the minutes of said regular meeting.

WITNESS MY HAND AND THE SEAL OF THE CITY OF Fort Wayne, Indiana, this 24th day of May, 1972.

  
Clerk of the Common Council of the  
City of Fort Wayne, Indiana

SEAL

NOTICE TO TAXPAYERS OF  
ADDITIONAL APPROPRIATIONS

Notice is hereby given to the taxpayers of the City of Fort Wayne, Allen County, Indiana that the Common Council of said Municipality will at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday, the <sup>13<sup>th</sup></sup> ~~29<sup>th</sup>~~ day of <sup>June</sup> ~~May~~, 1972 at 7:30 o'clock P.M., Eastern Standard Time, consider the following levy:

G-72-05-28

Providing for the levy of a use and service charge upon passengers explaining at Baer Field.

Commencing on July 1, 1972 there is hereby fixed, created and established a use and service charge of One Dollar (\$1.00) for each passenger explaining at Baer Field.

Taxpayers appearing at such meeting shall have a right to be heard thereon.

  
CHARLES W. WESTERMAN  
CITY CLERK

# City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To \_\_\_\_\_ Date October 24, 1972

From Charles W. Westerman, City Clerk

Subject Information received from Mr. Donald Funk - Business Manager  
Airport Commission

COPIES TO:

The title of Head Tax Collected at Fort Wayne Airport is commonly called:

1. User Fee ~~tags~~
2. Personnel of nine female employees sell and collect the above fee.
3. The form used is a perforated numerical ticket, used as a form of receipt and a ticket for boarding air-transportation.
4. Tickets are sold at an air-transportation counter (Hub-Airlines) and collected at the gate upon boarding air-transportation.
5. Associate City Attorney William Kern has written a legal opinion granting authority to the Aviation Commission to pursue such action without councilmanic approval.

Reference to the law is found in (Indiana Title 19, Chapter 6, Section 7).

Charles W. Westerman

## ARTICLE 6. AIRPORTS

### Chapter 1. Local Boards of Aviation.

Sec. 1. For the purpose of the laws of this state relating to aeronautics, the following words, terms and phrases shall have the meanings herein given, unless otherwise specifically defined, or unless another intention clearly appears, or the context otherwise requires, and the singular shall include the plural, and the plural the singular.

The term, "municipality" means any county or city or incorporated town, of this state and any other municipality, public corporation, authority, or district in this state which is or may be authorized by law to acquire, establish, construct, maintain, improve, and operate airports.

The term "chief executive officer" when used in this act means the mayor of any city, town board of any town, the board of commissioners of any county.

The term "aircraft" when used in this act means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air.

The term "airport" when used in this act means any location either on land or water which is used for the landing and taking off of aircraft.

The term "landing field" when used in this act means any airport which provides neither facilities nor services other than an area designated for the landing or taking off of aircraft.

The term "council" means the town board of any town, the common council of any city, and the county council of any county.

The term "land (landing) area" is that portion of an airport or landing field, designated, set aside, and used for the landing or taking off of aircraft. (Source: Acts 1945, c. 190, s. 1; as last amended by Acts 1965, c. 137, s. 1).

Sec. 2. Whenever the council of any municipality as now or hereafter defined by act of the general assembly of the state of Indiana shall after the taking effect of this act adopt an ordinance, an act or a resolution in favor of the acquisition, improvement, operation or maintenance of an airport or landing field for such political subdivision under the provisions of this act, and declaring a necessity for the same, then on the date of the taking effect of such ordinance, act or resolution, there shall be hereby established as one (1) of the executive departments of such municipality a department of aviation, which shall be under the control of a board of four (4) members, to be known as the board of aviation commissioners. The members of such board shall be appointed by the chief executive officer of such municipality and not more than two (2) of the members of such board shall be of the same political party. The members of such board shall serve without compensation, but shall be paid their actual expenses, of not to exceed one thousand two hundred dollars (\$1,200) per annum for the entire board, which may include the expenses of the members or employees of such board in attending meetings or conventions held for the purpose of discussing matters relating to aviation. Each member of such board before entering upon his duties shall take and subscribe the usual oath of office, to be endorsed upon the certificate of his appointment, and shall cause the same to be filed with the clerk or other officer performing duties similar to that of clerk in such municipality. Any person who shall not file such oath with the clerk or other officer performing duties similar to that of the clerk, as herein provided, within thirty (30) days after the beginning of the term for which he has been appointed, or at the date of his appointment, if appointed after the beginning of such term, shall be deemed to have refused to serve and the office shall become vacant.

(a) Notwithstanding the provisions of section 2, above, in any county with two (2) second class cities which has established such a board, the county council thereof, and the mayors of the two (2) largest cities located within such county, according to the last preceding federal decennial census, may appoint one (1) additional member to a county board of aviation commissioners, thereby creating a board consisting of a total of seven (7) members.

The three (3) additional members shall serve in the same manner, be accorded the same status, and perform the same duties as the four (4) initial board members, and shall serve terms of four (4) years. If either the county council or either of the two (2) mayors fail to make such appointments to the board, such fact shall not prejudice appointments which may be made by the other appointing authority or authorities. (Source: Acts 1945, c. 190, s. 2; as last amended by Acts 1969, c. 197, s. 1).

Sec. 3. Any member of any board of any municipality, not elected thereto, is eligible to serve as a member of the board of aviation commissioners, Provided, that such member does not receive any compensation for his services as such member of the board of aviation commissioners. (Source: Acts 1945, c. 190, s. 2.5).

Sec. 4. The first members of such board of aviation commissioners shall hold office respectively as follows: one (1) for the term of one (1) year; one (1) for the term of two (2) years; one (1) for the term of three (3) years, and one (1) for the term of four (4) years, from and after twelve o'clock noon on the first Monday in January of the year of their appointment. Annually thereafter, on the expiration of the respective terms aforesaid, the chief executive officer shall appoint a commissioner or commissioners to fill the vacancies caused by such expiration, and the commissioner or commissioners so appointed shall hold office for a term of four (4) years, and until their successors shall be appointed and qualified, and if any vacancy occurs in such board by resignation or otherwise, the chief executive officer shall appoint one or more commissioners for the residue of the term or terms. The chief executive officer of any such municipality may, at any time, remove any commissioner from office, but only upon his filing in writing with the clerk or other officer performing duties similar to that of clerk in municipalities having no clerk, his reasons for such removal. (Source: Acts 1945, c. 190, s. 3).

Sec. 5. Such board of aviation commissioners shall choose, annually, at its first regular meeting in January, one of its members president, and another of its members vice-president, who shall perform the duties of the president during the absence or disability of the president. Such board shall have a suitable office provided for it by the proper authorities in such municipality, or, at the option of said board, at such airport, at the expense of the department of aviation, where its maps, plans, documents, records and accounts shall be kept, subject to public inspection at all reasonable times. On or before the first day of February

of each year such board shall make a report to the chief executive officer of its proceedings with a full statement of its receipts and disbursements for the preceding year, and shall also report the acquisition of air navigation facilities and of other property which have come under the control of such board, improvements made, and general character of the work of such board and progress of aviation and air commerce under its control during the preceding year. Money received by the board shall forthwith be paid into the municipality treasury and credited to the department of aviation, and all expenditures relating to the property and business under the control of such department, except as otherwise provided, may be provided for by special levy of taxes under provision of section 7 1/2, and shall be paid from the municipality treasury when ordered by said board as hereafter provided. A majority of the members shall constitute a quorum, and no action of such board shall be binding unless authorized by a majority of the members at the regular or duly called special meeting thereof. In case of a tie vote on any question, the chief executive officer shall decide. Said board shall fix a time for holding regular meetings. Special meetings of such board may be called at any time by its president, or by any two (2) of its members, upon a written request to the secretary. Whenever in the opinion of the president, or of any two members a special meeting is necessary or advisable, he or they shall cause the secretary to notify the members by mailing written notice of the time of such meeting, at least one (1) day before such meeting. Any member may waive such notice in writing and the presence of any member at a special meeting shall be deemed a waiver of such notice. All meetings shall be open to the public. (Source: Acts 1945, c. 190, s. 4).

Sec. 6. The board of aviation commissioners may adopt and use a seal. Such applications, assurances, contracts and other instruments as are necessary or proper in such board's performance of its duties and the exercise of its powers hereunder may be executed in its name or in the name of the municipality, as the case may be, by the president or vice-president of such board and attested by its secretary or assistant secretary. Provided however that such board may by resolution prescribe any other form or method of execution.

That the said board of aviation commissioners shall have as a part of its powers, full and exclusive power on behalf of such municipality:

To acquire, establish, construct, improve, equip, maintain, control, lease and regulate municipal airports and landing fields and other air navigation facilities, for the use of airplanes and other aircraft, either within or without the jurisdictional limits of such municipality; and to erect, install, construct and maintain at such airports facilities for the servicing of aircraft and for the comfort and accommodation of air travelers and the public; and the council of any such municipality may by ordinance provide that any land suitable therefor that is now or may at any time hereafter be owned by such municipality shall be turned over to and put under the control of said board of aviation commissioners for such aviation and public purposes: Provided, however, that if at the time of the creation, appointment and qualification of such board of aviation commissioners in any such municipality as provided for in this act, any such municipality shall own or control any airport or landing field or other air navigation facilities, then upon such qualification of said board of aviation commissioners, the exclusive control, management and authority over such airport or landing field and other air navigation facilities shall thereby at once be transferred to said board of aviation commissioners without the passage of any ordinance therefor; and the department or board or officer or officers of such municipality or other persons having possession or control thereof shall at once turn over and deliver to such board of aviation commissioners all personal property and records, books, plans, maps and other papers and documents relating to the aviation business of such municipality and the unexpended balance of any fund or funds theretofore appropriated by any such municipality for aviation purposes shall become a part of and be credited to the aviation fund of such department of aviation. Provided: that no land shall be purchased by any municipality for the establishment of an airport or landing field and no airport or landing field shall be established by any municipality unless prior to said action or acquisition of such land, approval of said action or acquisition of such land is granted by the aeronautics commission of Indiana.

To elect a secretary from its membership or employ a secretary and fix the compensation thereof and to employ superintendents and managers, and such engineers, surveyors, attorneys, clerks, guards, mechanics, laborers and all employees the board may deem expedient, and to prescribe and assign their respective duties and authorities and to fix and regulate the compensation to be paid to the several persons employed by it, in accordance with the appropriations made therefor by the council of such municipality. All such employees shall be selected and appointed irrespective of their political affiliations.

To make all reasonable rules and regulations, not in conflict with the laws of the state or the ordinances, acts or resolutions of such political subdivision or the laws or regulations of the United States regulating air commerce, for the management and control of its airports and landing fields, and other air navigation facilities and other property under its control; and the said board is authorized to require a special detail of police or to hire guards to execute the orders and enforce the rules and regulations made by the board of aviation commissioners.

To acquire by lease the use of an airport or landing field for aircraft pending the acquisition and improvement of an airport or landing field as provided herein: Provided, however, that no such lease shall take effect until its approval by ordinance, act or resolution of the council of such municipality.

To manage and operate any and all airports and landing fields and other air navigation facilities now or hereafter acquired or maintained by any such municipality; and to lease all or any part of any such airport or landing field and any buildings and other structures thereon and parts hereof and to fix, charge, and collect rentals therefor and for commercial privileges thereon, and to fix, charge and collect rentals, tolls, fees and charges to be paid for the use of the whole or any part or parts of any such airports or landing fields, and other air navigation facilities and for aircraft landing thereon, and the servicing thereof; and to erect and construct such public recreational facilities as will not conflict or interfere with air operational facilities; and to fix, charge and collect fees for public admissions and privileges; and to make contracts for the operation and management of any such airports, landing fields and other air navigation facilities; and to provide for the use, management and operation of such air navigation facilities through lessees thereof or through its own employees or otherwise: Provided, that contracts or leases for the maintenance, operation or use of such airport or any portion thereof may be made for any term not exceeding ten (10) years, and may be extended for similar terms of years, except that any parcels of the land of such airport may be leased for any use, connected with the operation and convenience of such airport for an original term of not exceeding twenty (20) years, and may be extended for a period not to exceed ten (10) years: Provided, further, that if any person or organization, whose character,

experience, and financial responsibility has been determined satisfactorily by the board, shall offer to erect a permanent structure which shall both facilitate and be consistent with the operation, use, and purpose of the airport on land belonging to said airport, a lease may be entered into for a period not to exceed ninety-nine (99) years, Provided, however, that the council shall pass an ordinance authorizing the board to enter into such a lease: Provided further, that the board of aviation commissioners shall grant no exclusive right for the use of any landing area under its jurisdiction. However, this shall not prevent the making of leases in accordance with other provisions of the act. All such contracts and leases shall be subject to such restrictions and conditions as the board of aviation commissioners may prescribe.

To sell machinery, equipment or material under the control of such board of aviation and belonging to the municipality which in the judgment of the board may not be required for aviation purposes; and the proceeds derived from all such sources shall be deposited with the municipality's treasurer or comptroller to the credit of the department of aviation.

To negotiate and execute any and all contracts of sale or purchase, lease, or contracts for personal services, materials, supplies or equipment, or any other transaction, business or otherwise, relative to any municipal airport under the board's control and operation; Provided however, that whenever such board determines to sell any part or whole of aviation lands, buildings or improvements now owned by such municipality, such sale shall be in accordance with section 8 of this act. Whenever personal property under the control of the board valued in excess of \$500.00 is to be sold, such board shall sell to the highest and best bidder after due publication of notice of such sale.

To vacate roads, highways, streets and alleys or parts thereof within lands under the control of such board, or which may hereafter be under the control of such board, whether within or without the limits of such municipality, in the same manner as to form and procedure as now provided by law.

No state, county, city or other highway, road, street or other public way, no railroad, power line, or other right of way of any kind or nature shall be laid out or opened across any airport or upon or in such proximity thereto as to affect the safe operation thereof without the approval of said board and council, both concurring.

To construct any necessary drainage and sanitary sewers with connections and outlets as may be necessary for the proper drainage and maintenance of any airport or landing field acquired or maintained hereunder, and for the necessary buildings and improvements thereon and for the public use thereof, in the same manner as to form and procedure and with the same rights and powers, including the power to acquire the necessary rights of way, as given to the municipality for the construction of sewers and drains therein: Provided, however, that in respect to the construction of drains and sanitary sewers beyond the boundaries of the airport or landing field, the commissioners shall proceed in the same manner as private owners of property and shall have the power to institute proceedings and to negotiate with the various departments, bodies and officers of the municipality to secure the proper orders, approvals and consents; and to order and require any public utility or public service corporation or other corporation or person to remove or to install in underground conduits any and all wires, cables and power lines passing through or over any such airport or landing field or along the borders thereof or within such reasonable distance thereof as may be determined to be necessary for the safety or operations thereon, upon payment to such utility or other person of due compensation for the expense of such removal or reinstallation. No franchise shall be granted by any state, or municipality authorities for the construction or maintenance of any railway of any class or character, or telephone, telegraph, electric power, pipe or conduit line upon, across, over or through any land then under the control of the board of aviation commissioners or within such reasonable distance of any such land as may be determined to be necessary for the safety of operation thereon, without the consent of the board of aviation commissioners; and no overhead of electric power line carrying a voltage of over forty-four hundred (4,400) volts and having poles, standards or supports over thirty (30) feet in height shall be hereafter installed within one-half (½) mile of any landing area acquired or maintained by virtue of this act without the consent of the board of aviation commissioners.

Said commissioners and any other agency or instrumentality of this state or any of its political subdivisions or municipal corporations are hereby authorized to contract with each other for the rendition of any services, the rental or use of any equipment or facilities or the joint purchase and use of any equipment or facilities which are deemed proper by the contracting parties for use in the operation, maintenance or construction of an airport operated pursuant to the provisions of this act. (Source: Acts 1945, c. 190, s. 5; as last amended by Acts 1957, c. 135, s. 1).

Sec. 7. In the letting of any contract for the improvement or repair of equipment of any lands or property under the control of said board of aviation commissioners, it shall, in the matter of adopting plans, giving notices and receiving bids, be subject to the laws of the state of Indiana: Provided, that in case of an emergency involving safety of human life due to accident or Act of God, such emergency to be found and declared by said board, said board may purchase necessary equipment and appliances without advertising for bids. (Source: Acts 1945, c. 190, s. 6).

Sec. 8. Such board of aviation commissioners may, in the name of the municipality, take any action which it deems proper, to recover damages for the breach of any agreement, express or implied relating to or growing out of the operation, control, leasing, management or improvement of the property under its control, and for the penalties for the violation of any ordinances or of any of its rules or regulations and for injury to the personal or real property under its control and to recover possession of any such property. All rules and regulations which said board shall at any time adopt under and in pursuance of the provisions herein contained shall be published for at least ten (10) days in a newspaper of general circulation printed in such municipality.

A tax, which shall be in addition to other taxes of the municipality, may be levied annually by the council for aviation purposes, and the municipality treasurer shall collect such taxes as other municipality taxes are collected and when said taxes are collected they shall be deposited in the treasury of the municipality in a separate fund to be designated as the "aviation fund": Provided, that no town, city or county having power to levy taxes upon the assessed property within such town, city or county, shall have imposed upon the assessed property within such town, city or county, more than one tax levy for aviation purposes, unless such town, city or county, by ordinance, approves the levying of more than one tax levy upon the assessed property within such town, city or county, for aviation purposes. The council of any such municipality may, at any time, appropriate and transfer to the aviation fund any sum or sums out of the general funds of such municipalities, in accordance with the law providing for the making of additional appropriations for municipalities, and such council may, at any time, borrow money and issue bonds

of the municipality for aviation purposes in the manner now or hereafter to be provided by law for the issuance of bonds for the general purpose of such municipality, and shall turn the proceeds therefrom into the aviation fund of such municipality.

The said boards shall prepare and file with the chief executive officers of the municipalities annually at such time as the said chief executive officer shall designate, a full and detailed estimate of the appropriations required during the ensuing year for the maintenance and operation of the said airports and landing fields, showing therein the number of employees, including manager and secretary and the amount of salary and wages recommended for each. The expenditures for the maintenance and operation of said airports or landing fields shall be limited to the extent of specific appropriations of money made in advance by the council upon estimates furnished. Purchases and expenditures shall be made by the said board and claims therefor shall be paid on allowance thereof by the board which shall act in the same manner as is provided for the allowance of other claims against said municipalities: Provided, that the council of the municipalities may appropriate a sufficient amount for the necessary help, supplies and equipment, tools and everything necessary to the equipment and maintenance of said airports or landing fields: Provided further, that the councils of the municipalities may appropriate a sufficient amount as a rotary fund to be used by the board of aviation commissioners for the purchase of fuels and lubricants to be sold to the general public in the operation of said airport. All funds received from the sale of fuels and lubricants so purchased with funds from such rotary fund, shall be turned over at least once a month to the treasurer of the municipality, there to remain in the rotary fund, to be checked against by the board of aviation commissioners as other appropriations are disbursed, for the sole purpose of purchasing fuels and lubricants for sale to the public in the operation of said airport. At the end of each fiscal year, said board shall make a detailed statement to the council showing the amount of money received and paid over to the treasurer to the credit of said rotary fund; also showing the amount of fuels and lubricants on hand. If at the end of any fiscal year the accumulated rotary fund plus value of inventory of fuels and lubricants on hand shall exceed total previous appropriation to such fund by 25% such excess shall be turned over to the aviation fund as provided for herein. No obligations or liability of any sort shall be incurred by the said board on behalf of said municipality unless the same shall fall within the appropriation specifically made for the purpose. All money remaining in the treasury to the credit of the board of aviation commissioners at the end of the calendar year, shall still belong to the general aviation fund to be used by the board of aviation commissioners for aviation purposes. All funds received by the board of aviation commissioners from whatever source except funds received from the sale of fuels and lubricants purchased by funds from the said rotary fund shall be deposited in the treasury of the municipality to the credit of the aviation fund.

A board of aviation commissioners may create out of operating profits from the operation of such municipal airport a reserve or depreciation account for the purpose of capital improvements or replacements. (Source: Acts 1945, c. 190, s. 7; as last amended by Acts 1949, c. 109, s. 4).

Sec. 9. If such board of aviation commissioners should wish to sell any part or the whole of the aviation land, buildings or improvements now owned by such municipality or that may be hereafter acquired, it is hereby authorized to prepare an ordinance authorizing such sale and submit the same to the council of such municipality. If the council shall pass such ordinance, such land, buildings or improvements shall be sold as other lands, buildings, or improvements of the municipality are sold, and the proceeds of such sale shall be deposited in the aviation fund of the municipality. (Source: Acts 1945, c. 190, s. 8; as last amended by Acts 1949, c. 109, s. 5).

Sec. 10. In order to provide free air space for the safe descent, landing and ascent of aircraft and for the proper and safe use of any airport or landing field acquired or maintained under this act, such board of aviation commissioners is hereby given the right, power and authority, subject to approval and adoption, as provided by law, by the council of such municipality to establish and fix a restricted zone or zones for such distance in any direction from the boundaries of such airport or landing field, within which zone or zones so established, as in the opinion of said board is necessary and practicable, no building or other structure shall be erected high enough to interfere with the descent of an aircraft at such gliding angle as may be deemed necessary for safety for the usual type of operation that is conducted at such airport or landing field and said board may, in the name of such municipality, acquire by condemnation, upon the payment of due compensation as hereinafter provided in this act, the right to prevent the erection of, and to require the removal of, all buildings, towers, poles, wires, cables and other structures, and all trees within such zone or zones which interfere with such gliding angle or so much of any structure or trees as interferes with such gliding angle; and when so condemned no permit issued by any department or office of any such municipality or by any state or other authority for the erection of any structure inside any such zone or zones shall be effective and valid, unless approved by the board of aviation commissioners of such municipality. The establishing of any such restricted zone or zones outside of any such port or field as is herein provided, in connection with the condemnation of such rights in the land for the same, shall be understood to be condemnation and the perpetual annihilation of all rights of the owners of such property within such zone or zones to erect or maintain any building or structure whatever or any part thereof within such zones which will interfere with such gliding angle; or such result may be accomplished by absolute condemnation of the land, with perpetual and irrevocable free license to use and occupy such land within such zone for all purposes except the erection of buildings or other structure above the height so prescribed.

The jurisdiction of each municipality is hereby extended to the promulgation, administering and enforcement of airport zoning regulations to protect the approaches of any airport which is owned by said municipality but located wholly or partially outside the corporate limits of said municipality. In case of conflict with any airport zoning or other regulations promulgated by any municipality, the regulations adopted pursuant to this section shall prevail.

The zoning jurisdiction hereby granted shall, when exercised, be exclusive as against any such jurisdiction granted by any other law of this state now or hereafter adopted unless such other law specifically provides otherwise.

All airport zoning regulations adopted under this act shall be reasonable and none shall impose any requirement or restriction which is not reasonably necessary to effectuate the purposes of this act. In determining what regulations it may adopt, each municipality and joint airport zoning board shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood, and the uses to which the property to be zoned is put and adaptable. (Source: Acts 1945, c. 190, s. 9; as amended by Acts 1949, c. 109, s. 6).



Sec. 11. The board of aviation commissioners of any such municipality is authorized to exercise the power of eminent domain for the purpose of carrying out any of the provisions of this act; and to award damages to landowners for real estate and property rights appropriated and taken; and in case such board cannot agree with the owners, lessees or occupants of any real estate selected by them for the purposes herein set forth, they may proceed to procure the condemnation of the same as hereinafter provided, and in addition thereto, when not in conflict or inconsistent with the express provisions of this act, may proceed under chapter 48 of the Acts of the 64th General Assembly (1905) and/or any act heretofore or hereafter enacted amendatory, supplemental or in substitution thereof which may be in force at the time, and the provisions of such laws are hereby extended to airports and landing fields and restricted zones adjoining the same as provided for herein so far as the same are not in conflict or inconsistent with the terms of this act. Where the land or surface of the ground on, over and across which it is deemed necessary or advisable to establish and fix a restricted zone or zones as provided in this act, is already in use for any other public purpose or has been condemned or appropriated for a use authorized by the statutes of this state, and is being used for such purpose by the corporation so appropriating it, such public use or prior condemnation shall not be a bar to the right of such board to condemn the use of such ground for the aforesaid aviation purposes: Provided, that such use by such board shall not permanently prevent the use of said land or the surface of such ground for such prior public use or by the corporation theretofore condemning or appropriating the same; and Provided, further, that in any proceeding prosecuted by said board to condemn the use of any land or surface of ground for purposes permitted by this act, the burden shall be upon such board to show that its use will not permanently or seriously interfere with the continued public use of such land or surface of ground or by the corporation theretofore condemning the same, or its successors: Provided, further, however, that in any such proceeding said board shall have the right to require and enforce the removal or the burying beneath the surface of the ground of any wires, cables, power lines or other structures within any such restricted zone established as provided in this act. In any such proceeding prosecuted by said board to condemn or appropriate any land or the use thereof or any rights therein for purposes permitted by this act, said board and all owners and holders of property or rights therein sought to be taken shall be governed by and have the same rights as to procedure, notices, hearings, assessments of benefits and awards and payments thereof as are now or may hereafter be prescribed by law for the appropriation and condemnation of real estate, and such property owners shall have like powers and rights as to remonstrance and of appeals to the circuit or superior courts in the county in which such municipality is located. Such appeals shall only affect the amount of the assessment of awards of the person appealing; such appeals shall be taken in conformity with and in all things governed by the laws now or hereinafter in effect relating to appeals: Provided, however, that the payment of all damages awarded for all lands and property or interests or rights therein appropriated under the provisions of this act shall be paid entirely out of the funds under the control of such board of aviation commissioners.

Notwithstanding the provisions of this or any other statute or the provisions of any charter, the municipality may take possession of any such property so to be acquired at any time after the filing of the petition describing the same in condemnation proceedings. It shall not be precluded from abandoning the condemnation of any such property in any case where possession thereof has not been taken. It is the intent herein that any such board may acquire and use any land reasonably necessary for the purposes of this act but such right shall not extend to the acquiring or use of land which is still being used and is absolutely necessary for the purposes for which it was previously condemned, and Provided, further, that nothing in this act shall permit the acquisition or use by any board of any land previously acquired by condemnation and which is now being used for the purpose for which it was so acquired if such use by the board will impair or interfere with the necessary use of such land by the owner thereof. (Source: Acts 1945, c. 190, s. 10; as amended by Acts 1949, c. 109, s. 7.)

Sec. 12. Within sixty (60) days after any land or rights or interests therein is acquired or taken under this act, the board of aviation commissioners shall file and cause to be recorded in the recorder's office of the county in which the land is situated, a description thereof, sufficiently accurate for its identification, with the statement of the purpose for which it is required or taken, which shall be signed by a majority of the board. (Source: Acts 1945, c. 190, s. 11.)

Sec. 13. The acquiring, establishment, construction, improvement, equipment and maintenance and the control and operation of municipal airports and landing fields for aircraft under and pursuant to any of the provisions of this act shall be deemed and are hereby declared to be a governmental function of general public necessity and benefit, and shall be for the use and general welfare of all the people of the state of Indiana, as well as of the people residing in any such municipality. (Source: Acts 1945, c. 190, s. 12; as amended by Acts 1949, c. 109, s. 8.)

Sec. 14. The board of aviation commissioners of any municipality, as now or hereafter defined by act of the general assembly of the state of Indiana, shall have the full and exclusive power, upon resolution of such board of aviation commissioners, to sell the minerals or mineral rights or royalties for minerals, or to grant leases for the removal of any such mineral in or under any airport or landing field now owned by such municipality, or that may hereafter be acquired: Provided, that they shall be sold or leased in the same manner as land is sold or leased under the provisions of this act, and the proceeds derived from all such sources shall be deposited with the treasurer of such municipality in the aviation fund of the municipality and expended as provided by law for the proceeds of the sale of aviation lands: Provided, however, that no such sale or lease for more than one (1) year shall be made, except to the highest and best bidder, after notice of such sale or lease shall have been given by at least one (1) publication in some newspaper of general circulation published in such municipality, which publication shall have been made at least one (1) week before the date of such sale or lease. (Source: Acts 1945, c. 190, s. 13.)

Sec. 15. The various municipalities of the state shall have the power jointly to acquire, construct, develop, improve, equip or extend airports or property to be used for aviation purposes and to maintain, operate, manage and control the same, and to levy and collect taxes for such purpose. Two (2) or more municipalities may cooperate for such purpose by contributing to the total cost and sharing the benefits and bearing the obligations accruing therefrom, on such terms as they may agree upon and evidenced by contract. Such joint activity shall be subject to the same provisions and requirements herein provided for such activity if carried on by any one of such municipalities individually or independently, except that such joint board of aviation commissioners may be composed of more than four (4) but not more than seven (7) and maximum allowance may be increased correspondingly. In case of failure of agreement between any two (2) or more such municipalities, upon petition filed by any one (1) or more such municipalities involved, the Indiana department of aviation after investigation and hearing shall determine and



## LOCAL GOVERNMENT SERVICES

prescribe reasonable and equitable participation including representation on such joint governing board of aviation commissioners, and shall prescribe such other rules and regulations as it shall deem proper and equitable in the premises. (Source: Acts 1945, c. 190, s. 14).

Sec. 16. The council of any city or town may by ordinance annex to such city or town any airport or aviation field owned or operated by such city or town even though such property be not contiguous to or connected with such city or town. (Source: Acts 1945, c. 190, s. 15; as amended by Acts 1949, c. 109, s. 9).

Sec. 17. Whenever the council of any municipality determines that the public interest and the interest of the municipality will be served by assisting any other municipality in exercising the powers and authority granted by this act, such first-mentioned municipality is expressly authorized and empowered to furnish such assistance by gift, or lease with or without rental, of real property, by the donation, lease with or without rental, or loan, of personal property, and by the appropriation of monies which may be provided for by taxation or the issuance of bonds in the same manner as funds might be provided for the same purposes if the municipality were exercising the powers heretofore granted in its own behalf. (Source: Acts 1945, c. 190, s. 16; as amended by Acts 1949, c. 109, s. 10).

Sec. 18. Whenever the board of aviation commissioners of any municipality accumulates funds which are derived from sources other than from the operation of the airport and which are not needed for the operation or maintenance of the airport, the board, upon a majority vote of its members, may without notice transfer all or any part of such funds to the general fund of the municipality: Provided, that such funds were not derived from taxation. The provisions of this section shall not apply to any funds derived from lands leased from the federal government. (Source: Acts 1945, c. 190, s. 17a; as added by Acts 1957, c. 15, s. 1).

Sec. 19. A municipality acting by and through its board of aviation commissioners pursuant to chapter 114, Acts of 1947, is authorized to accept, receive, and receipt for federal monies, and other monies, either public or private, for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of airports and other air navigation facilities, and sites therefor, and to comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of federal monies upon such airports and other air navigation facilities.

Subject to said chapter 114 of the Acts of 1947, such board shall have the sole and exclusive power on behalf of such municipality to submit to the proper state and federal agencies, application or applications for grants of funds for airport development and to make or execute any and all representations, assurances and contracts, to enter into any and all covenants and agreements with any such state or federal agency or agencies relative to the development of a municipal airport. (Source: Acts 1945, c. 190, s. 18; as amended by Acts 1949, c. 109, s. 11).

Sec. 20. All acts of any municipality in establishing an airport or landing field, and all other acts in connection therewith, taken and exercised by such municipality pursuant to the authority of any previous statute, including all issues of bonds either heretofore issued or authorized or sold under the provisions of any such statute, or any other statute of this state, the proceeds of which have been either used or designed for any purposes aforesaid, and all acts of any municipal officials connected with or relating to any of the matters aforesaid, are each and all hereby expressly ratified, legalized and validated the same as if previously authorized by law. Henceforth any such municipality shall proceed in all respects in relation to any such airport or landing field in the manner provided by this statute. (Source: Acts 1945, c. 190, s. 19).

Sec. 21. Any person who violates any of the provisions of this act, regulation, or ordinance enacted pursuant thereto, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$10.00 and not more than \$300.00 or by imprisonment of not more than six (6) months, or both. (Source: Acts 1945, c. 190, s. 19a; as added by Acts 1955, c. 109, s. 1).

Sec. 22. This act may be cited as the Airport Act of 1945. (Source: Acts 1945, c. 190, s. 21).

Approved: \_\_\_\_\_  
Indiana

## ARTICLE 6. AIRPORTS

### Chapter 1. Local Boards of Aviation.

Sec. 1. For the purpose of the laws of this state relating to aeronautics, the following words, terms and phrases shall have the meanings herein given, unless otherwise specifically defined, or unless another intention clearly appears, or the context otherwise requires, and the singular shall include the plural, and the plural the singular.

The term, "municipality" means any county or city or incorporated town, of this state and any other municipality, public corporation, authority, or district in this state which is or may be authorized by law to acquire, establish, construct, maintain, improve, and operate airports.

The term "chief executive officer" when used in this act means the mayor of any city, town board of any town, the board of commissioners of any county.

The term "aircraft" when used in this act means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air.

The term "airport" when used in this act means any location either on land or water which is used for the landing and taking off of aircraft.

The term "landing field" when used in this act means any airport which provides neither facilities nor services other than an area designated for the landing or taking off of aircraft.

The term "council" means the town board of any town, the common council of any city, and the county council of any county. The term "land (landing) area" is that portion of an airport or landing field, designated, set aside, and used for the landing or taking off of aircraft. (Source: Acts 1945, c. 190, s. 1; as last amended by Acts 1965, c. 137, s. 1).

Sec. 2. Whenever the council of any municipality as now or hereafter defined by act of the general assembly of the state of Indiana shall after the taking effect of this act adopt an ordinance, an act or a resolution in favor of the acquisition, improvement, operation or maintenance of an airport or landing field for such political subdivision under the provisions of this act, and declaring a necessity for the same, then on the date of the taking effect of such ordinance, act or resolution, there shall be hereby established as one (1) of the executive departments of such municipality a department of aviation, which shall be under the control of a board of four (4) members, to be known as the board of aviation commissioners. The members of such board shall be appointed by the chief executive officer of such municipality and not more than two (2) of the members of such board shall be of the same political party. The members of such board shall serve without compensation, but shall be paid their actual expenses, of not to exceed one thousand two hundred dollars (\$1,200) per annum for the entire board, which may include the expenses of the members or employees of such board in attending meetings or conventions held for the purpose of discussing matters relating to aviation. Each member of such board before entering upon his duties shall take and subscribe the usual oath of office, to be endorsed upon the certificate of his appointment, and shall cause the same to be filed with the clerk or other officer performing duties similar to that of clerk in such municipality. Any person who shall not file such oath with the clerk or other officer performing duties similar to that of the clerk, as herein provided, within thirty (30) days after the beginning of the term for which he has been appointed, or at the date of his appointment, if appointed after the beginning of such term, shall be deemed to have refused to serve and the office shall become vacant.

(a) Notwithstanding the provisions of section 2, above, in any county with two (2) second class cities which has established such a board, the county council thereof, and the mayors of the two (2) largest cities located within such county, according to the last preceding federal decennial census, may appoint one (1) additional member to a county board of aviation commissioners, thereby creating a board consisting of a total of seven (7) members.

The three (3) additional members shall serve in the same manner, be accorded the same status, and perform the same duties as the four (4) initial board members, and shall serve terms of four (4) years. If either the county council or either of the two (2) mayors fail to make such appointments to the board, such fact shall not prejudice appointments which may be made by the other appointing authority or authorities. (Source: Acts 1945, c. 190, s. 2; as last amended by Acts 1969, c. 197, s. 1).

Sec. 3. Any member of any board of any municipality, not elected thereto, is eligible to serve as a member of the board of aviation commissioners. Provided, that such member does not receive any compensation for his services as such member of the board of aviation commissioners. (Source: Acts 1945, c. 190, s. 2.5).

Sec. 4. The first members of such board of aviation commissioners shall hold office respectively as follows: one (1) for the term of one (1) year; one (1) for the term of two (2) years; one (1) for the term of three (3) years, and one (1) for the term of four (4) years, from and after twelve o'clock noon on the first Monday in January of the year of their appointment. Annually thereafter, on the expiration of the respective terms aforesaid, the chief executive officer shall appoint a commissioner or commissioners to fill the vacancies caused by such expiration, and the commissioner or commissioners so appointed shall hold office for a term of four (4) years, and until their successors shall be appointed and qualified, and if any vacancy occurs in such board by resignation or otherwise, the chief executive officer shall appoint one or more commissioners for the residue of the term or terms. The chief executive officer of any such municipality may, at any time, remove any commissioner from office, but only upon his filing in writing with the clerk or other officer performing duties similar to that of clerk in municipalities having no clerk, his reasons for such removal. (Source: Acts 1945, c. 190, s. 3).

Sec. 5. Such board of aviation commissioners shall choose, annually, at its first regular meeting in January, one of its members president, and another of its members vice-president, who shall perform the duties of the president during the absence or disability of the president. Such board shall have a suitable office provided for it by the proper authorities in such municipality, or, at the option of said board, at such airport, at the expense of the department of aviation, where its maps, plans, documents, records and accounts shall be kept, subject to public inspection at all reasonable times. On or before the first day of February

of each year such board shall make a report to the chief executive officer of its proceedings with a full statement of its receipts and disbursements for the preceding year, and shall also report the acquisition of air navigation facilities and of other property which have come under the control of such board, improvements made, and general character of the work of such board and progress of aviation and air commerce under its control during the preceding year. Money received by the board shall forthwith be paid into the municipality treasury and credited to the department of aviation, and all expenditures relating to the property and business under the control of such department, except as otherwise provided, may be provided for by special levy of taxes under provision of section 7 1/2, and shall be paid from the municipality treasury when ordered by said board as hereafter provided. A majority of the members shall constitute a quorum, and no action of such board shall be binding unless authorized by a majority of the members at the regular or duly called special meeting thereof. In case of a tie vote on any question, the chief executive officer shall decide. Said board shall fix a time for holding regular meetings. Special meetings of such board may be called at any time by its president, or by any two (2) of its members, upon a written request to the secretary. Whenever in the opinion of the president, or of any two members a special meeting is necessary or advisable, he or they shall cause the secretary to notify the members by mailing written notice of the time of such meeting, at least one (1) day before such meeting. Any member may waive such notice in writing and the presence of any member at a special meeting shall be deemed a waiver of such notice. All meetings shall be open to the public. (Source: *Acts 1945, c. 190, s. 4*.)

Sec. 6. The board of aviation commissioners may adopt and use a seal. Such applications, assurances, contracts and other instruments as are necessary or proper in such board's performance of its duties and the exercise of its powers hereunder may be executed in its name or in the name of the municipality, as the case may be, by the president or vice-president of such board and attested by its secretary or assistant secretary. Provided however that such board may by resolution prescribe any other form or method of execution.

That the said board of aviation commissioners shall have as a part of its powers, full and exclusive power on behalf of such municipality:

To acquire, establish, construct, improve, equip, maintain, control, lease and regulate municipal airports and landing fields and other air navigation facilities, for the use of airplanes and other aircraft, either within or without the jurisdictional limits of such municipality; and to erect, install, construct and maintain at such airports facilities for the servicing of aircraft and for the comfort and accommodation of air travelers and the public; and the council of any such municipality may by ordinance provide that any land suitable therefor that is now or may at any time hereafter be owned by such municipality shall be turned over to and put under the control of said board of aviation commissioners for such aviation and public purposes: Provided, however, that if at the time of the creation, appointment and qualification of such board of aviation commissioners in any such municipality as provided for in this act, any such municipality shall own or control any airport or landing field or other air navigation facilities, then upon such qualification of said board of aviation commissioners, the exclusive control, management and authority over such airport or landing field and other air navigation facilities shall thereby at once be transferred to said board of aviation commissioners without the passage of any ordinance therefor; and the department or board or officer or officers of such municipality or other persons having possession or control thereof shall at once turn over and deliver to such board of aviation commissioners all personal property and records, books, plans, maps and other papers and documents relating to the aviation business of such municipality and the unexpended balance of any fund or funds theretofore appropriated by any such municipality for aviation purposes shall become a part of and be credited to the aviation fund of such department of aviation. Provided: that no land shall be purchased by any municipality for the establishment of an airport or landing field and no airport or landing field shall be established by any municipality unless prior to said action or acquisition of such land, approval of said action or acquisition of such land is granted by the aeronautics commission of Indiana.

To elect a secretary from its membership or employ a secretary and fix the compensation thereof and to employ superintendents and managers, and such engineers, surveyors, attorneys, clerks, guards, mechanics, laborers and all employees the board may deem expedient, and to prescribe and assign their respective duties and authorities and to fix and regulate the compensation to be paid to the several persons employed by it, in accordance with the appropriations made therefor by the council of such municipality. All such employees shall be selected and appointed irrespective of their political affiliations.

To make all reasonable rules and regulations, not in conflict with the laws of the state or the ordinances, acts or resolutions of such political subdivision or the laws or regulations of the United States regulating air commerce, for the management and control of its airports and landing fields, and other air navigation facilities and other property under its control; and the said board is authorized to require a special detail of police or to hire guards to execute the orders and enforce the rules and regulations made by the board of aviation commissioners.

To acquire by lease the use of an airport or landing field for aircraft pending the acquisition and improvement of an airport or landing field as provided herein: Provided, however, that no such lease shall take effect until its approval by ordinance, act or resolution of the council of such municipality.

To manage and operate any and all airports and landing fields and other air navigation facilities now or hereafter acquired or maintained by any such municipality; and to lease all or any part of any such airport or landing field and any buildings and other structures thereon and parts hereof and to fix, charge, and collect rentals therefor and for commercial privileges thereon, and to fix, charge and collect rentals, tolls, fees and charges to be paid for the use of the whole or any part or parts of any such airports or landing fields, and other air navigation facilities and for aircraft landing thereon, and the servicing thereof; and to erect and construct such public recreational facilities as will not conflict or interfere with air operational facilities; and to fix, charge and collect fees for public admissions and privileges; and to make contracts for the operation and management of any such airports, landing fields and other air navigation facilities; and to provide for the use, management and operation of such air navigation facilities through lessees thereof or through its own employees or otherwise: Provided, that contracts or leases for the maintenance, operation or use of such airport or any portion thereof may be made for any term not exceeding ten (10) years, and may be extended for similar terms of years, except that any parcels of the land of such airport may be leased for any use, connected with the operation and convenience of such airport for an original term of not exceeding twenty (20) years, and may be extended for a period not to exceed ten (10) years: Provided, further, that if any person or organization, whose character,

experience, and financial responsibility has been determined satisfactorily by the board, shall offer to erect a permanent structure which shall both facilitate and be consistent with the operation, use, and purpose of the airport on land belonging to said airport, a lease may be entered into for a period not to exceed ninety-nine (99) years. Provided, however, that the council shall pass an ordinance authorizing the board to enter into such a lease: Provided further, that the board of aviation commissioners shall grant no exclusive right for the use of any landing area under its jurisdiction. However, this shall not prevent the making of leases in accordance with other provisions of the act. All such contracts and leases shall be subject to such restrictions and conditions as the board of aviation commissioners may prescribe.

To sell machinery, equipment or material under the control of such board of aviation and belonging to the municipality which in the judgment of the board may not be required for aviation purposes; and the proceeds derived from all such sources shall be deposited with the municipality's treasurer or comptroller to the credit of the department of aviation.

To negotiate and execute any and all contracts of sale or purchase, lease, or contracts for personal services, materials, supplies or equipment, or any other transaction, business or otherwise, relative to any municipal airport under the board's control and operation; Provided however, that whenever such board determines to sell any part or whole of aviation lands, buildings or improvements now owned by such municipality, such sale shall be in accordance with section 8 of this act. Whenever personal property under the control of the board valued in excess of \$500.00 is to be sold, such board shall sell to the highest and best bidder after due publication of notice of such sale.

To vacate roads, highways, streets and alleys or parts thereof within lands under the control of such board, or which may hereafter be under the control of such board, whether within or without the limits of such municipality, in the same manner as to form and procedure as now provided by law.

No state, county, city or other highway, road, street or other public way, no railroad, power line, or other right of way of any kind or nature shall be laid out or opened across any airport or upon or in such proximity thereto as to affect the safe operation thereof without the approval of said board and council, both concurring.

To construct any necessary drainage and sanitary sewers with connections and outlets as may be necessary for the proper drainage and maintenance of any airport or landing field acquired or maintained hereunder, and for the necessary buildings and improvements thereon and for the public use thereof, in the same manner as to form and procedure and with the same rights and powers, including the power to acquire the necessary rights of way, as given to the municipality for the construction of sewers and drains therein: Provided, however, that in respect to the construction of drains and sanitary sewers beyond the boundaries of the airport or landing field, the commissioners shall proceed in the same manner as private owners of property and shall have the power to institute proceedings and to negotiate with the various departments, bodies and officers of the municipality to secure the proper orders, approvals and consents; and to order and require any public utility or public service corporation or other corporation or person to remove or to install in underground conduits any and all wires, cables and power lines passing through or over any such airport or landing field or along the borders thereof or within such reasonable distance thereof as may be determined to be necessary for the safety or operations thereon, upon payment to such utility or other person of due compensation for the expense of such removal or reinstallation. No franchise shall be granted by any state, or municipality authorities for the construction or maintenance of any railway of any class or character, or telephone, telegraph, electric power, pipe or conduit line upon, across, over or through any land then under the control of the board of aviation commissioners or within such reasonable distance of any such land as may be determined to be necessary for the safety of operation thereon, without the consent of the board of aviation commissioners; and no overhead of electric power line carrying a voltage of over forty-four hundred (4,400) volts and having poles, standards or supports over thirty (30) feet in height shall be hereafter installed within one-half (½) mile of any landing area acquired or maintained by virtue of this act without the consent of the board of aviation commissioners.

Said commissioners and any other agency or instrumentality of this state or any of its political subdivisions or municipal corporations are hereby authorized to contract with each other for the rendition of any services, the rental or use of any equipment or facilities or the joint purchase and use of any equipment or facilities which are deemed proper by the contracting parties for use in the operation, maintenance or construction of an airport operated pursuant to the provisions of this act. (Source: Acts 1945, c. 190, s. 5; as last amended by Acts 1957, c. 135, s. 1).

Sec. 7. In the letting of any contract for the improvement or repair or equipment of any lands or property under the control of said board of aviation commissioners, it shall, in the matter of adopting plans, giving notices and receiving bids, be subject to the laws of the state of Indiana: Provided, that in case of an emergency involving safety of human life due to accident or Act of God, such emergency to be found and declared by said board, said board may purchase necessary equipment and appliances without advertising for bids. (Source: Acts 1945, c. 190, s. 6).

Sec. 8. Such board of aviation commissioners may, in the name of the municipality, take any action which it deems proper, to recover damages for the breach of any agreement, express or implied relating to or growing out of the operation, control, leasing, management or improvement of the property under its control, and for the penalties for the violation of any ordinances or of any of its rules or regulations and for injury to the personal or real property under its control and to recover possession of any such property. All rules and regulations which said board shall at any time adopt under and in pursuance of the provisions herein contained shall be published for at least ten (10) days in a newspaper of general circulation printed in such municipality.

A tax, which shall be in addition to other taxes of the municipality, may be levied annually by the council for aviation purposes, and the municipality treasurer shall collect such taxes as other municipality taxes are collected and when said taxes are collected they shall be deposited in the treasury of the municipality in a separate fund to be designated as the "aviation fund": Provided, that no town, city or county having power to levy taxes upon the assessed property within such town, city or county, shall have imposed upon the assessed property within such town, city or county, more than one tax levy for aviation purposes, unless such town, city or county, by ordinance, approves the levying of more than one tax levy upon the assessed property within such town, city or county, for aviation purposes. The council of any such municipality may, at any time, appropriate and transfer to the aviation fund any sum or sums out of the general funds of such municipalities, in accordance with the law providing for the making of additional appropriations for municipalities, and such council may, at any time, borrow money and issue bonds

of the municipality for aviation purposes in the manner now or hereafter to be provided by law for the issuance of bonds for the general purpose of such municipality, and shall turn the proceeds therefrom into the aviation fund of such municipality.

The said boards shall prepare and file with the chief executive officers of the municipalities annually at such time as the said chief executive officer shall designate, a full and detailed estimate of the appropriations required during the ensuing year for the maintenance and operation of the said airports and landing fields, showing therein the number of employees, including manager and secretary and the amount of salary and wages recommended for each. The expenditures for the maintenance and operation of said airports or landing fields shall be limited to the extent of specific appropriations of money made in advance by the council upon estimates furnished. Purchases and expenditures shall be made by the said board and claims therefor shall be paid on allowance thereof by the board which shall act in the same manner as is provided for the allowance of other claims against said municipalities: Provided, that the council of the municipalities may appropriate a sufficient amount for the necessary help, supplies and equipment, tools and everything necessary to the equipment and maintenance of said airports or landing fields: Provided further, that the councils of the municipalities may appropriate a sufficient amount as a rotary fund to be used by the board of aviation commissioners for the purchase of fuels and lubricants to be sold to the general public in the operation of said airport. All funds received from the sale of fuels and lubricants so purchased with funds from such rotary fund, shall be turned over at least once a month to the treasurer of the municipality, there to remain in the rotary fund, to be checked against by the board of aviation commissioners as other appropriations are disbursed, for the sole purpose of purchasing fuels and lubricants for sale to the public in the operation of said airport. At the end of each fiscal year, said board shall make a detailed statement to the council showing the amount of money received and paid over to the treasurer to the credit of said rotary fund; also showing the amount of fuels and lubricants on hand. If at the end of any fiscal year the accumulated rotary fund plus value of inventory of fuels and lubricants on hand shall exceed total previous appropriation to such fund by 25% such excess shall be turned over to the aviation fund as provided for herein. No obligations or liability of any sort shall be incurred by the said board on behalf of said municipality unless the same shall fall within the appropriation specifically made for the purpose. All money remaining in the treasury to the credit of the board of aviation commissioners at the end of the calendar year, shall still belong to the general aviation fund to be used by the board of aviation commissioners for aviation purposes. All funds received by the board of aviation commissioners from whatever source except funds received from the sale of fuels and lubricants purchased by funds from the said rotary fund shall be deposited in the treasury of the municipality to the credit of the aviation fund.

A board of aviation commissioners may create out of operating profits from the operation of such municipal airport a reserve or depreciation account for the purpose of capital improvements or replacements. (Source: Acts 1945, c. 190, s. 7; as last amended by Acts 1949, c. 109, s. 4.)

Sec. 9. If such board of aviation commissioners should wish to sell any part or the whole of the aviation land, buildings or improvements now owned by such municipality or that may be hereafter acquired, it is hereby authorized to prepare an ordinance authorizing such sale and submit the same to the council of such municipality. If the council shall pass such ordinance, such land, buildings or improvements shall be sold as other lands, buildings, or improvements of the municipality are sold, and the proceeds of such sale shall be deposited in the aviation fund of the municipality. (Source: Acts 1945, c. 190, s. 8; as last amended by Acts 1949, c. 109, s. 5.)

Sec. 10. In order to provide free air space for the safe descent, landing and ascent of aircraft and for the proper and safe use of any airport or landing field acquired or maintained under this act, such board of aviation commissioners is hereby given the right, power and authority, subject to approval and adoption, as provided by law, by the council of such municipality to establish and fix a restricted zone or zones for such distance in any direction from the boundaries of such airport or landing field, within which zone or zones so established, as in the opinion of said board is necessary and practicable, no building or other structure shall be erected high enough to interfere with the descent of an aircraft at such gliding angle as may be deemed necessary for safety for the usual type of operation that is conducted at such airport or landing field and said board may, in the name of such municipality, acquire by condemnation, upon the payment of due compensation as hereinafter provided in this act, the right to prevent the erection of, and to require the removal of, all buildings, towers, poles, wires, cables and other structures, and all trees within such zone or zones which interfere with such gliding angle or so much of any structure or trees as interferes with such gliding angle; and when so condemned no permit issued by any department or office of any such municipality or by any state or other authority for the erection of any structure inside any such zone or zones shall be effective and valid, unless approved by the board of aviation commissioners of such municipality. The establishing of any such restricted zone or zones outside of any such port or field as is herein provided, in connection with the condemnation of such rights in the land for the same, shall be understood to be condemnation and the perpetual annihilation of all rights of the owners of such property within such zone or zones to erect or maintain any building or structure whatever or any part thereof within such zones which will interfere with such gliding angle; or such result may be accomplished by absolute condemnation of the land, with perpetual and irrevocable free license to use and occupy such land within such zone for all purposes except the erection of buildings or other structure above the height so prescribed.

The jurisdiction of each municipality is hereby extended to the promulgation, administering and enforcement of airport zoning regulations to protect the approaches of any airport which is owned by said municipality but located wholly or partially outside the corporate limits of said municipality. In case of conflict with any airport zoning or other regulations promulgated by any municipality, the regulations adopted pursuant to this section shall prevail.

The zoning jurisdiction hereby granted shall, when exercised, be exclusive as against any such jurisdiction granted by any other law of this state now or hereafter adopted unless such other law specifically provides otherwise.

All airport zoning regulations adopted under this act shall be reasonable and none shall impose any requirement or restriction which is not reasonably necessary to effectuate the purposes of this act. In determining what regulations it may adopt, each municipality and joint airport zoning board shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood, and the uses to which the property to be zoned is put and adaptable. (Source: Acts 1945, c. 190, s. 9; as amended by Acts 1949, c. 109, s. 6.)



Sec. 11. The board of aviation commissioners of any such municipality is authorized to exercise the power of eminent domain for the purpose of carrying out any of the provisions of this act; and to award damages to landowners for real estate and property rights appropriated and taken; and in case such board cannot agree with the owners, lessees or occupants of any real estate selected by them for the purposes herein set forth, they may proceed to procure the condemnation of the same as hereinafter provided, and in addition thereto, when not in conflict or inconsistent with the express provisions of this act, may proceed under chapter 48 of the Acts of the 64th General Assembly (1905) and/or any act heretofore or hereafter enacted amendatory, supplemental or in substitution thereof which may be in force at the time, and the provisions of such laws are hereby extended to airports and landing fields and restricted zones adjoining the same as provided for herein so far as the same are not in conflict or inconsistent with the terms of this act. Where the land or surface of the ground on, over and across which it is deemed necessary or advisable to establish and fix a restricted zone or zones as provided in this act, is already in use for any other public purpose or has been condemned or appropriated for a use authorized by the statutes of this state, and is being used for such purpose by the corporation so appropriating it, such public use or prior condemnation shall not be a bar to the right of such board to condemn the use of such ground for the aforesaid aviation purposes: Provided, that such use by such board shall not permanently prevent the use of said land or the surface of such ground for such prior public use or by the corporation theretofore condemning or appropriating the same; and Provided, further, that in any proceeding prosecuted by said board to condemn the use of any land or surface of ground for purposes permitted by this act, the burden shall be upon such board to show that its use will not permanently or seriously interfere with the continued public use of such land or surface of ground or by the corporation theretofore condemning the same, or its successors: Provided, further, however, that in any such proceeding said board shall have the right to require and enforce the removal or the burying beneath the surface of the ground of any wires, cables, power lines or other structures within any such restricted zone established as provided in this act. In any such proceeding prosecuted by said board to condemn or appropriate any land or the use thereof or any rights therein for purposes permitted by this act, said board and all owners and holders of property or rights therein sought to be taken shall be governed by and have the same rights as to procedure, notices, hearings, assessments of benefits and awards and payments thereof as are now or may hereafter be prescribed by law for the appropriation and condemnation of real estate, and such property owners shall have like powers and rights as to remonstrance and of appeals to the circuit or superior courts in the county in which such municipality is located. Such appeals shall only affect the amount of the assessment of awards of the person appealing; such appeals shall be taken in conformity with and in all things governed by the laws now or hereinafter in effect relating to appeals: Provided, however, that the payment of all damages awarded for all lands and property or interests or rights therein appropriated under the provisions of this act shall be paid entirely out of the funds under the control of such board of aviation commissioners.

Notwithstanding the provisions of this or any other statute or the provisions of any charter, the municipality may take possession of any such property so to be acquired at any time after the filing of the petition describing the same in condemnation proceedings. It shall not be precluded from abandoning the condemnation of any such property in any case where possession thereof has not been taken. It is the intent herein that any such board may acquire and use any land reasonably necessary for the purposes of this act but such right shall not extend to the acquiring or use of land which is still being used and is absolutely necessary for the purposes for which it was previously condemned, and Provided, further, that nothing in this act shall permit the acquisition or use by any board of any land previously acquired by condemnation and which is now being used for the purpose for which it was so acquired if such use by the board will impair or interfere with the necessary use of such land by the owner thereof. (Source: Acts 1945, c. 190, s. 10; as amended by Acts 1949, c. 109, s. 7.)

Sec. 12. Within sixty (60) days after any land or rights or interests therein is acquired or taken under this act, the board of aviation commissioners shall file and cause to be recorded in the recorder's office of the county in which the land is situated, a description thereof, sufficiently accurate for its identification, with the statement of the purpose for which it is required or taken, which shall be signed by a majority of the board. (Source: Acts 1945, c. 190, s. 11.)

Sec. 13. The acquiring, establishment, construction, improvement, equipment and maintenance and the control and operation of municipal airports and landing fields for aircraft under and pursuant to any of the provisions of this act shall be deemed and are hereby declared to be a governmental function of general public necessity and benefit, and shall be for the use and general welfare of all the people of the state of Indiana, as well as of the people residing in any such municipality. (Source: Acts 1945, c. 190, s. 12; as amended by Acts 1949, c. 109, s. 8.)

Sec. 14. The board of aviation commissioners of any municipality, as now or hereafter defined by act of the general assembly of the state of Indiana, shall have the full and exclusive power, upon resolution of such board of aviation commissioners, to sell the minerals or mineral rights or royalties for minerals, or to grant leases for the removal of any such mineral in or under any airport or landing field now owned by such municipality, or that may hereafter be acquired: Provided, that they shall be sold or leased in the same manner as land is sold or leased under the provisions of this act, and the proceeds derived from all such sources shall be deposited with the treasurer of such municipality in the aviation fund of the municipality and expended as provided by law for the proceeds of the sale of aviation lands: Provided, however, that no such sale or lease for more than one (1) year shall be made, except to the highest and best bidder, after notice of such sale or lease shall have been given by at least one (1) publication in some newspaper of general circulation published in such municipality, which publication shall have been made at least one (1) week before the date of such sale or lease. (Source: Acts 1945, c. 190, s. 13.)

Sec. 15. The various municipalities of the state shall have the power jointly to acquire, construct, develop, improve, equip or extend airports or property to be used for aviation purposes and to maintain, operate, manage and control the same, and to levy and collect taxes for such purpose. Two (2) or more municipalities may cooperate for such purpose by contributing to the total cost and sharing the benefits and bearing the obligations accruing therefrom, on such terms as they may agree upon and evidenced by contract. Such joint activity shall be subject to the same provisions and requirements herein provided for such activity if carried on by any one of such municipalities individually or independently, except that such joint board of aviation commissioners may be composed of more than four (4) but not more than seven (7) and maximum allowance may be increased correspondingly. In case of failure of agreement between any two (2) or more such municipalities, upon petition filed by any one (1) or more such municipalities involved, the Indiana department of aviation after investigation and hearing shall determine and

prescribe reasonable and equitable participation including representation on such joint governing board of aviation commissioners, and shall prescribe such other rules and regulations as it shall deem proper and equitable in the premises. (Source: Acts 1945, c. 190, s. 14).

Sec. 16. The council of any city or town may by ordinance annex to such city or town any airport or aviation field owned or operated by such city or town even though such property be not contiguous to or connected with such city or town. (Source: Acts 1945, c. 190, s. 15; as amended by Acts 1949, c. 109, s. 9).

Sec. 17. Whenever the council of any municipality determines that the public interest and the interest of the municipality will be served by assisting any other municipality in exercising the powers and authority granted by this act, such first-mentioned municipality is expressly authorized and empowered to furnish such assistance by gift, or lease with or without rental, of real property, by the donation, lease with or without rental, or loan, of personal property, and by the appropriation of monies which may be provided for by taxation or the issuance of bonds in the same manner as funds might be provided for the same purposes if the municipality were exercising the powers heretofore granted in its own behalf. (Source: Acts 1945, c. 190, s. 16; as amended by Acts 1949, c. 109, s. 10).

Sec. 18. Whenever the board of aviation commissioners of any municipality accumulates funds which are derived from sources other than from the operation of the airport and which are not needed for the operation or maintenance of the airport, the board, upon a majority vote of its members, may without notice transfer all or any part of such funds to the general fund of the municipality: Provided, that such funds were not derived from taxation. The provisions of this section shall not apply to any funds derived from lands leased from the federal government. (Source: Acts 1945, c. 190, s. 17a; as added by Acts 1957, c. 15, s. 1).

Sec. 19. A municipality acting by and through its board of aviation commissioners pursuant to chapter 114, Acts of 1947, is authorized to accept, receive, and receipt for federal monies, and other monies, either public or private, for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of airports and other air navigation facilities, and sites therefor, and to comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of federal monies upon such airports and other air navigation facilities.

Subject to said chapter 114 of the Acts of 1947, such board shall have the sole and exclusive power on behalf of such municipality to submit to the proper state and federal agencies, application or applications for grants of funds for airport development and to make or execute any and all representations, assurances and contracts, to enter into any and all covenants and agreements with any such state or federal agency or agencies relative to the development of a municipal airport. (Source: Acts 1945, c. 190, s. 18; as amended by Acts 1949, c. 109, s. 11).

Sec. 20. All acts of any municipality in establishing an airport or landing field, and all other acts in connection therewith, taken and exercised by such municipality pursuant to the authority of any previous statute, including all issues of bonds either heretofore issued or authorized or sold under the provisions of any such statute, or any other statute of this state, the proceeds of which have been either used or designed for any purposes aforesaid, and all acts of any municipal officials connected with or relating to any of the matters aforesaid, are each and all hereby expressly ratified, legalized and validated the same as if previously authorized by law. Henceforth any such municipality shall proceed in all respects in relation to any such airport or landing field in the manner provided by this statute. (Source: Acts 1945, c. 190, s. 18).

Sec. 21. Any person who violates any of the provisions of this act, regulation, or ordinance enacted pursuant thereto, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$10.00 and not more than \$300.00 or by imprisonment of not more than six (6) months, or both. (Source: Acts 1945, c. 190, s. 19a; as added by Acts 1955, c. 109, s. 1).

Sec. 22. This act may be cited as the Airport Act of 1945. (Source: Acts 1945, c. 190, s. 21).

Attest: Secretary of State

Common Council-City of Ft. Wayne  
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines	_____
Head number of lines	<u>1</u>
Body number of lines	<u>18</u>
Tail number of lines	<u>1</u>
Total number of lines in notice	<u>20</u>

## COMPUTATION OF CHARGES

20 lines, \_\_\_\_\_ columns wide equals \_\_\_\_\_ equivalent lines at .288¢ 5.76  
cents per line \$ \_\_\_\_\_

Additional charge for notices containing rule or tabular work (50 per cent of above amount) \_\_\_\_\_

Charge for extra proofs of publication (50 cents for each proof in excess of two) \_\_\_\_\_

TOTAL AMOUNT OF CLAIM

5.76

## DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ pointNumber of insertions 2Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date June 8, 1972Title \_\_\_\_\_  
CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ~~XXXXXXXXXXXX~~ Larry Gerken, who, being duly sworn, says that she is \_\_\_\_\_ CLERK \_\_\_\_\_ of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city } of FORT WAYNE, INDIANA  
town }  
in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows:

May 27, 1972June 3, 1972Subscribed and sworn to before me this 8th day of June 1972Edith Stapleton  
Notary PublicMy commission expires March 8, 1974

## Legal Notices

## NOTICE TO TAXPAYERS

Notice is hereby given to the taxpayers of the City of Fort Wayne, Allen County, Indiana that the Common Council of said Municipality will at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday, the 13th day of June, 1972 at 7:30 o'clock P.M., Eastern Standard Time, consider the following levy:

G-77-05-24  
Providing for the levy of a use and service charge upon passengers enplaning at Boer Field.

Commencing on July 1, 1972 there is hereby fixed, created and established a use and service charge of One Dollar (\$1.00) for each passenger enplaning at Boer Field.

Taxpayers appearing at such meeting shall have a right to be heard thereon.  
CHARLES A. WESTERMAN,  
City Clerk.

5-27.6-3



Common Council-City of Ft. Wayne  
(Governmental Unit)

To.....NEWS-SENT INEL.....Dr.

Allen.....County, Ind.

FORT WAYNE, INDIANA.....

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines	_____
Head number of lines	<u>1</u>
Body number of lines	<u>18</u>
Tail number of lines	<u>1</u>
Total number of lines in notice	<u>20</u>

COMPUTATION OF CHARGES

.....20.....lines.....columns wide equals.....equivalent lines at.....28¢.....  
cents per line \$5.76

Additional charge for notices containing rule or tabular work (50 per cent of above amount) \_\_\_\_\_

Charge for extra proofs of publication (50 cents for each proof in excess of two) \_\_\_\_\_

TOTAL AMOUNT OF CLAIM \$5.76

DATA FOR COMPUTING COST

Width of single column 11 ems Size of type.....5 1/2.....point

Number of insertions.....2..... Size of quad upon which type is cast.....5 1/2.....

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date.....June 3,.....19 72..... Title.....Clerk.....

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:  
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned A. M. Hostman who, being duly sworn, says that She is Clerk of the NEWS-SENT INEL

a DAILY newspaper of general circulation printed and published in the English language in the city } of FORT WAYNE, INDIANA  
~~town~~

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows:

May 27, 1972  
June 3, 1972

Subscribed and sworn to before me this 8th day of June 19 72  
Edith Stapleton  
Notary Public

My commission expires March 8, 1974

**NOTICE TO TAXPAYERS**

Notice is hereby given to the taxpayers of the City of Fort Wayne, Allen County, Indiana that the Common Council of said Municipality will at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday, the 13th day of June, 1972 at 7:30 o'clock P.M., Eastern Standard Time, consider the following levy:

G-72-45-25

Providing for the levy of a use and service charge upon passengers enplaning at Boer Field.

Commencing on July 1, 1972 there is hereby fixed, created and established a use and service charge of One Dollar (\$1.00) for each passenger enplaning at Boer Field.

Taxpayers appearing at such meeting shall have a right to be heard thereon.

CHARLES A. WESTERMAN,  
City Clerk.

3-27, 6-3.